



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,802	11/18/2003	Timothy W. Girdalin	8591-111	6775

36412 7590 10/05/2004
DUCKOR SPRADLING METZGER
401 WEST A STREET, SUITE 2400
SAN DIEGO, CA 92101-7915

EXAMINER

HESS, DANIEL A

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,802

Applicant(s)

GIRALDIN ET AL.

Examiner

Daniel A Hess

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 7-11 and 13-17 is/are rejected.
7) ☒ Claim(s) 6, 12 and 18 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/13/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 2876

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7-11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benkert et al. (US 6,796,497).

Art Unit: 2876

Re claim 1: Benkert et al. teaches essentially a financial account system having a primary account and associated subsidiary spending account(s) (column 3, line 20 to column 4, line 60 are exemplary). It is clear that there may be multiple subsidiary accounts (column 5, line 64 to column 6, line 7). The most prominent example provided by Benkert et al. is an arrangement wherein a parent is in charge of a primary account and then can provide limited access to finite amounts of funds in one or more subsidiary accounts for use by one or more children. In this arrangement, all of the cardholders including the parent and children can be considered members of a group. Each member of the group has a personal card, and this card essentially qualifies as a personal identification that they would provide at a location such as an ATM to withdraw funds (column 8, lines 55-65). The system tracks monetary deposit information by the parent (figure 1, reference 134). Clearly with the use of ATMs, there is receipt of transaction information from at least one cashless station. Transaction reports are a natural part of the Benkert et al. system: see figure 2, refs. 232 and 234.

Lacking in Benkert et al. is a teaching that the communications and transactions are limited to a confined area.

It is well-known, however, that not all bank cards are accepted at every ATM or every point of sale. In this sense, many transaction cards are limited to particular areas where they are accepted. For example, while VISA and Mastercard are almost universal as of the time of this writing, others, ranging from Discover to Diner's Club and other even less well-known names have limited areas of usage.

In view of this, limiting the area of usage of a transaction card may save the enormous cost of trying to make a transaction card system universal.

Art Unit: 2876

Re claims 2 and 3: In Benkert et al., the parent can allocate a particular spending limit to a child – i.e. “flexible limit subsidiary account system” (column 8, lines 66 and 67).

Re claim 4: Total amounts spent would naturally be subject of the various statements of the parent and subsidiary accounts indicated in figure 2, refs. 232 and 234.

Re claim 5: If a subsidiary account-holder attempts to obtain an amount of cash greater than what is available to them according to the limits that have been set, they will clearly not be able to.

Re claims 7-11: See claims 1-5, respectively. Claims 7-11 describe a system which embodies the method of claims 1-5, respectively.

Re claims 13-17: See claims 1-5, respectively. Claims 13-17 describe software which achieves the method of claims 1-5, respectively. It is implicit that Benkert’s system operates through software.

Allowable Subject Matter

Claims 6, 12 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. All three of these claims describe essentially the same invention.

Benkert et al. fails to teach, and the associated prior art fails to teach or fairly suggest that account information is received through a “personal identification locator.” Indeed Benkert et al.’s system simply employs transaction cards and there is no motivation given for including a locator in the process.

Art Unit: 2876

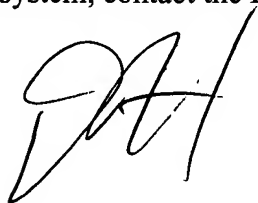
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Motomiya et al. (US 6,189,783) teaches tracking visitors in a facility, although there is no connection made with financial sub-accounts. Solokl et al. (US 6,173,269) teaches financial accounts for use by minors under the control of parents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH

Daniel A Hess
Examiner
Art Unit 2876



KARL D. FRECH
PRIMARY EXAMINER